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20SL-AC20305 - MARISLEYDI VERDIA V CONTRACT CALLERS, INC (E-CASE)

Case File	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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11/12/2020 ☐ **Hearing Scheduled**

Scheduled For: 12/10/2020; 9:00 AM ; HEATHER RENE CUNNINGHAM; St Louis County

☐ **Hearing Continued/Rescheduled**

Hearing Continued From: 11/12/2020; 10:00 AM Hearing

11/11/2020 ☐ **[Motion for Continuance](#)**

continuance.

Filed By: MATTHEW PAUL COOK

On Behalf Of: MARISLEYDI VERDIA

10/09/2020 ☐ **[Summons Issued-Associate](#)**

Document ID: 20-ADSM-17828, for CONTRACT CALLERS, INC. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

☐ **Hearing Scheduled**

Associated Entries: 11/12/2020 - Hearing Continued/Rescheduled

Scheduled For: 11/12/2020; 10:00 AM ; HEATHER RENE CUNNINGHAM; St Louis County

09/29/2020 ☐ **Filing Info Sheet eFiling**

Filed By: MATTHEW PAUL COOK

☐ **[Pet Filed in Associate Ct](#)**

petition.

On Behalf Of: MARISLEYDI VERDIA

☐ **Judge Assigned**

33H

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI
ASSOCIATE CIRCUIT DIVISION**

Marisleydis Verdia,)	
Plaintiff,)	Case No.:
)	
vs.)	Div. No.:
)	
Contract Callers, Inc.)	
)	
Serve at:)	JURY TRIAL DEMANDED
Registered Agent, Officer or Employee)	
221 Bolivar St)	
Jefferson City, MO 65101)	
Defendant,)	
)	
)	
)	

PETITION FOR DAMAGES

Comes now Plaintiff, Marisleydis Verdia, by and through counsel; Matthew P. Cook, and states, to wit:

INTRODUCTION AND JURISDICTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 *et. seq.* ("FDCPA").
2. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. §1692k(d).

PARTIES

3. Plaintiff is a natural person currently residing in St. Louis County, Missouri. Plaintiff is a consumer within the meaning of the FDCPA. The alleged debt owed arises out of consumer, family and household transactions.
4. Defendant is a foreign limited liability company with its principal place of business located in Augusta, GA . The principal business purpose of Defendant is the collection of debts and Defendant regularly attempts to collect alleged debts owed.
5. Defendant is engaged in the collection of debts from consumers using the mail and telephone in Missouri. Defendant is a "debt collector" as defined by the FDCPA. 15 U.S.C §1692a(6).

FACTS

6. Defendant's collection activity of which Plaintiff complains occurred within the previous twelve (12) months.
7. Defendant is reporting on Plaintiff's credit report as an open collections account for \$2,075 for Spire Energy (formerly Laclede Gas).
8. Defendant attempted to collect \$2,075 from Plaintiff via dunning letter(s) and phone call(s) to Plaintiff, including in August and September 2020. The account number for Spire that Defendant attempt to collect on ended in 8000.
9. However, in early September 2020, Spire sent Plaintiff an account balance for the statement ending in 8000. The letter indicated that Plaintiff only owed Spire \$1,366.
10. The extra roughly \$709 Defendant was attempting to collect and report on Plaintiff's credit was thus not owed. Plaintiff did not make any additional payments in the summer of 2020 to Spire on this account.
11. Defendant's attempt to add additional fees, charges and/or interest of \$709 that were not owed violated 15 U.S.C. §1692f(1).
12. Defendant's collection attempts for the \$709 that was not owed was the false representation of the character, amount or legal status of the alleged debt in violation of 15 U.S.C. §1692e(2)(a).
13. Defendant's collection attempts have caused Plaintiff to incur actual damages, statutory damages and attorney's fees.

COUNT I: VIOLATION OF THE FDCPA

14. Plaintiff re-alleges and incorporates by reference the above paragraphs.
15. Defendant regularly attempts to collect consumer debts asserted to be due to another and at all relevant times herein, was a "debt collector" as defined by 15 U.S.C. §1692a(6).
16. A single action on part of a debt collector can violate multiple sections of the FDCPA.

17. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. §1692 *et. seq.* including, but not limited to the following:

- a. The false representation of the character, amount or legal status of the alleged debt in violation of 15 U.S.C. §1692e(2)(a);
- b. Attempted to collect interest, fees and/or charges that were not authorized by statute or contract in violation of 15 U.S.C. §1692f(1).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs, litigation expenses and attorney's fees pursuant to 15 U.S.C. §1692(k); and
- E. For such other relief as the Court may deem just and proper.

By: /s/ Matthew P. Cook
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